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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRETT WAGGONER, an Individual

Plaintiff,

V.

NYE COUNTY; CHRIS ARABIA, in his individual and official capacity; LEO BLUNDO, in his individual and official capacity; DOES I-X; ROE CORPORATIONS I-X.

Defendants.

Case No: 2:21-cv-01312-APG-EJY

JOINT AND UNOPPOSED
MOTION TO
RESCHEDULE EARLY
NEUTRAL EVALUATION
TO AN ALTERNATIVE
DATE

The parties through their counsel of record, Michael Balaban, Esq., on behalf of Plaintiff Brett Waggoner (“Waggoner”); Brian Hardy, Esq., of Marquis Aurbach Coffing, on behalf of Nye County District Attorney Chris Arabia (“Arabia”) and Nye County Commissioner Leo Blundo (“Blundo”); and Rebecca Bruch, Esq., of Lemons, Grundy & Eisenberg, on behalf of Nye County (“the County”), do hereby file this Joint and Unopposed Motion to Reschedule the Early Neutral Evaluation to an alternative date. The ENE is currently scheduled for November 8, 2021, at 10:00 a.m.

MEMORANDUM OF POINTS AND AUTHORITIES

The basis for this Joint and Unopposed Motion to Reschedule the Early Neutral Evaluation is because County Counsel Bruch has a family matter which conflicts with the November 8, 2021 date currently scheduled for the ENE. The parties bring this motion

1 jointly and without opposition.

2 On July 11, 2021, Waggoner filed this Complaint, in which he asserted seven causes
3 of action related to his employment with Nye County. *ECF No. 1*. In response, on
4 September 13, 2021, Blundo and Arabia filed a Motion to Dismiss as to all causes of action
5 pursuant to FRCP 12(b)(6). *ECF No. 13*. The County filed its Answer on September 13,
6 2021. *ECF No. 9*. Plaintiff has not yet responded to the Motion to Dismiss. The parties
7 will not be prejudiced by an alternative date since the dispositive Motion to Dismiss is
8 pending.

9 A date after November 8, 2021, is requested.

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Based on the foregoing, the parties request that the Court grant this Joint and Unopposed Motion to Reschedule the Early Neutral Evaluation.

DATED this 22nd day of September, 2021.

LAW OFFICES OF MICHAEL P. BALABAN

By: /s/ Michael Balaban
MICHAEL P. BALABAN, ESQ.(SBN9370)
10726 Del Rubini Street
Las Vegas, NV 89141
Attorneys for Plaintiff

DATED this 22nd day of September, 2021.

LEMONS, GRUNDY & EISENBERG

By: /s/Rebecca Bruch
REBECCA BRUCH, ESQ. (SBN7289)
6005 Plumas St., Third Floor
Reno, Nevada 89519
Attorneys for Defendant Nye County

DATED this 22nd day of September, 2021.

MARQUIS AURBACH COFFING

By: /s/ Brian Hardy
BRIAN R. HARDY, ESQ. (SBN10068)
KATHLEEN A. WILDE, ESQ (SBN12522)
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Defendants
Chris Arabia and Leo Blundo

ORDER

IT IS SO ORDERED. The Early Neutral Evaluation scheduled for November 8, 2021 is VACATED and RESET for **Thursday, November 18, 2021 at 10:00 a.m.** via video conference. IT IS FURTHER ORDERED that the confidential evaluation statements are due by Noon on **Friday, November 12, 2021**. All other provisions of the Court's Order (ECF No. 12) remain in effect.

DATED this 23rd day of September, 2021.

[Signature]

Daniel J. Albregts
United States Magistrate Judge